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McGlew and Tuttle, P.C.
Scarborough Station
Scarborough, NY 10510-0827

Paper No. 15

In re Application of	:	DECISION ON PETITION
Antonino D'Africa et al	:	TO WITHDRAW
Serial No. : 10/018,591	:	HOLDING OF
Filed : December 7, 2001	:	ABANDONMENT
For : Ionophoretic Drug Delivery Device	:	

This is a decision on petitioner's request filed July 31, 2003, to review the holding of abandonment mailed April 14, 2003 for failure to respond to the Office action mailed October 3, 2002. The basis for the request is that duly appointed applicants' representative did not receive the communication mailed October 3, 2002. There is no fee required for this petition.

The petition is granted.

STATEMENT OF FACTS

The instant application was filed on December 7, 2001. The Declaration and Power of Attorney for Patent Application submitted at time of filing of the application listed three inventors and each inventor signed the declaration. The power of attorney incorporated in the declaration named a number of individuals, all registered practitioners associated with the law firm of McGlew and Tuttle, P.C. as applicants' representatives, and the correspondence address given was that of McGlew and Tuttle, P.C., Scarborough Station, Scarborough, NY 10510-0827.

On March 28, 2002, Mr. Guido Paduano, one of the listed inventors, filed a paper. The paper indicated that (1) discussions were being held among the three inventors as to the prosecution of the instant application, (2) Mr. Paduano had not been provided with any information regarding the application nor with copies of any the papers filed/received regarding the above-identified application, (3) he be provided with the status of the application and with copies of all papers, and (4) that all correspondence be sent to him at Via Roma, 12 - Missaglia (LC) 23873 - Italy. The Office appears to have treated the letter of March 28, 2002 as a revocation of power of attorney and change of correspondence address.

On October 3, 2002 an Office action with a three-month period for reply was mailed to Mr. Paduano at the address given in the letter of March 28, 2002.

On November 4, 2002 a status inquiry was filed by Mr. John James McGlew of McGlew and Tuttle.